

State of South Dakota

EIGHTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2010

841R0501

SENATE BILL NO. 74

Introduced by: Senators Nesselhuf, Adelstein, Heidepriem, Nelson, and Turbak Berry and
Representatives Engels, Cutler, and Feinstein

1 FOR AN ACT ENTITLED, An Act to repeal the prohibition against stem cell treatments and
2 research and to establish ethical guidelines to regulate stem cell research.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 34-14 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Stem cell research may be conducted, subject to the following requirements and limitations:

- 7 (1) No person may perform or attempt to perform human cloning;
- 8 (2) No human blastocyst may be produced by fertilization solely for the purpose of stem
9 cell research;
- 10 (3) No stem cells may be taken from a human blastocyst more than fourteen days after
11 cell division begins. However, the time during which a blastocyst is frozen does not
12 count against the fourteen-day limit;
- 13 (4) No person may, for valuable consideration, purchase or sell human blastocysts or
14 eggs for stem cell research or stem cell therapies and cures;
- 15 (5) No human blastocysts or eggs may be used for stem cell research or stem cell



therapies and cures unless the human blastocysts or eggs have been donated with voluntary and informed consent, documented in writing;

(6) Stem cell research may be conducted only by persons that, within one hundred eighty days of the effective day of this Act or otherwise prior to commencement of such research, whichever is later, have:

(a) Provided oversight responsibility and approval authority for such research to a stem cell research committee whose membership includes representatives of the public and medical and scientific experts;

(b) Adopted ethical standards for such research that comply with the requirements of this section; and

(c) Obtained a determination from a specially constituted review board established and operating in accordance with 42 U.S.C. 289, 45 C.F.R. Part 46, that the research complies with all applicable federal statutes and regulations that the board is responsible for administering.

Any person that knowingly or recklessly violates the limitations and requirements outlined in this section is guilty of a Class 1 misdemeanor.

Section 2. That chapter 34-14 be amended by adding thereto a NEW SECTION to read as follows:

Terms used in section 1 of this Act mean:

(1) "Blastocyst," a small mass of cells that results from cell division, caused either by fertilization or somatic cell nuclear transfer, that has not been implanted in a uterus;

(2) "Fertilization," the process whereby an egg of a human female and the sperm of a human male form a zygote;

(3) "Human cloning," human asexual reproduction accomplished by introducing the

1 nuclear material of a human somatic cell into a fertilized or unfertilized oocyte whose
2 nucleus has been removed or inactivated to produce a living organism, at any stage
3 of development, with a human or predominantly human genetic constitution;

4 (4) "In vitro fertilization," fertilization of an egg with a sperm outside the body;

5 (5) "Stem cell research," any scientific or medical research involving human stem cells
6 derived from in vitro fertilization blastocysts.

7 Section 3. That §§ 34-14-16 to 34-14-20, inclusive, be repealed.